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TRAN, ELLEN C				
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/664,264
Filing Date: September 16, 2003
Appellant(s): WERTENBRUCH ET AL.

Yiping R. Liao
Reg. No. 60,301
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 March 2008 appealing from the Office action mailed 6 August 2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,012,088	Li et al.	1-2000
6,351,773	Fijolek et al.	2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. U.S. Patent No. 6,012,088 (hereinafter '088) in view of Fijolek et al. US Patent No. 6,351,773 (hereinafter '773). This rejection is set forth in a prior Office Action, mailed 6 August 2007.

As per the first limitation of claim 1, **“A method of authenticating a network device, comprising the computer-implemented steps of: determining that a network link that uses a primary signaling technology and a secondary signaling technology is coupled to the network device”** is taught in '088 col. 3, lines 39-45.

As per the second limitation, **“establishing the unique link identifier as a unique device identifier; and authenticating the network device to a service provider by communicating the unique device identifier to the service provider over the network link using the primary signaling technology”** is shown in '088 col. 11, line 55 through col. 12, line 26.

As per the third limitation, **“obtaining, using the secondary signaling technology, a unique link identifier that is associated with the network link using the secondary signaling technology”** however '773 teaches that a parameter could be the calling party's phone number in col. 32, lines 8-11.

Regarding claim 2, **“further comprising the steps of receiving a configuration from the service provider over the network link using the primary signaling technology”** is taught in '088 col. 12, lines 38-48.

Regarding claim 3, **“wherein the secondary signaling technology is integrated services digital network (ISDN) signaling”** is shown in '088 col. 3, lines 54-61.

Regarding claim 4, **“wherein the secondary signaling technology is ISDN, and wherein the unique link identifier is a telephone number associated with an ISDN Line coupled to the network device”** is disclosed in ‘088 col. 3, lines 54-61.

Regarding claim 5, **“wherein the secondary signaling technology is ISDN, and wherein the obtaining step comprises obtaining a telephone number associated with an ISDN line coupled to the network device using a caller ID function”** however ‘773 teaches a calling number can be parameter in col. 32, lines 8-11.

Regarding the first limitation of claim 6, **“ wherein the network device is a residential broadband router, wherein the primary signaling technology is asynchronous digital subscriber line (ADSL)”** is disclosed in ‘088 col. 7, lines 3-11.

As per the second limitation, **“and wherein the secondary signaling technology is ISDN”** is taught in ‘088 col. 3, lines 46-53.

Regarding the first limitation of claim 7, **“wherein the network device is a residential broadband router, wherein the primary signaling technology is ADSL”** is disclosed in ‘088 col. 7, lines 3-11.

As per the second limitation, **“wherein the secondary signaling technology is ISDN”** is taught in ‘088 col. 3, lines 46-53.

As per the third limitation, **“and wherein the unique link identifier is a telephone number associated with an ISDN line”** however ‘773 teaches the calling number can be a parameter in col. 32, lines 8-11.

Regarding claim 8, **“wherein the step of registering the network device with a service provider comprises using the ADSL line to connect to a Cisco Intelligent Engine 2100**

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(IE2100) device associated with the service provider, and providing the unique device identifier to the IE2100” is shown in ‘088 col. 6, lines 12-33, note an IE is interpreted to be equivalent to a Cisco Router.

Regarding claim 9, **“wherein the step of registering the network device with a service provider comprises using the primary signaling technology to connect to a configuration server associated with the service provider, and providing the unique device identifier to the configuration server”** is disclosed in ‘088 col. 12, lines 9-26.

As per the first limitation of claim 10, **“A method of authenticating a broadband customer premises network device that is communicatively coupled to an ISDN line that supports ADSL over ISDN”** is taught in ‘088 col. 3, lines 39-45, col. 3, lines 54-61, and col. 7, lines 3-11.

As per the second limitation, **“establishing the ISDN telephone number as a unique identifier of the broadband customer premises network device; and authenticating the network device to a broadband network service provider by providing the unique identifier to the service provider using ADSL communication over the ISDN line”** is shown in ‘088 col. 11, line 55 through col. 12, line 26.

As per the third limitation, **“the method comprising the computer-implemented steps of: obtaining, using the ISDN line, an ISDN telephone number uniquely associated with the ISDN line”** however ‘773 teaches that a parameter could be the calling party’s phone number in col. 32, lines 8-11.

Regarding claims 11-13, these claims contain substantially similar subject matter as claims 2, 5, and 8; therefore they are rejected along similar rationale.

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As per the first limitation of claim 14, **“A method of deploying a network device, comprising the steps of: receiving a customer premises equipment (CPE) device at a customer premises; coupling a network link that supports a primary signaling technology and a secondary signaling technology to the network device”** is taught in ‘088 col. 3, lines 39-45.

“connecting to a network service provider using the primary signaling technology, authenticating the CPE device to a service provider by providing the unique device identifier over the network link using the primary signaling technology” is shown in ‘088 col. 11, line 55 through col. 12, line 26.

As per the second limitation, **“and receiving, from the service provider, a configuration for the CPE device over the network link”** is taught in ‘088 col. 12, lines 38-48.

As per the third limitation, **“obtaining, using the secondary signaling technology, a unique link identifier associated with the network link; establishing the unique link identifier as a unique identifier of the CPE device”** however ‘773 teaches that a parameter could be the calling party’s phone number in col. 32, lines 8-11.

Regarding claim 15, the claim is a computer-readable medium carrying out the method of claim 1; therefore it is rejected along the same rationale.

Regarding claims 16-23, these claims contain substantially similar subject matter as claims 2-9; therefore they are rejected along similar rationale.

Regarding claim 24, the claim is directed to an apparatus carrying out the method of claim 1; therefore it is rejected along the same rationale.

Regarding claims 25-32, these claims contain substantially similar subject matter as claims 2-9; therefore they are rejected along similar rationale.

Regarding claim 33, the claim is directed to an apparatus carrying out the method of claim 1; therefore it is rejected along the same rationale.

Regarding claims 25-41, these claims contain substantially similar subject matter as claims 2-9; therefore they are rejected along similar rationale.

(10) Response to Argument

Regarding Appellant's argument beginning on page 6, "As shall be explained below, each pending claim recites at least one feature that is not taught or suggested by Li or Fijolek, either individually or in combination. A. Features of Claims 1-9 and 14-41 Are Not Taught or Suggested by Li or Fijolek ... "obtaining, using the secondary signaling technology, a unique link identifier that is associated with the network link using the secondary signaling technology" ... This step is not taught or suggested by the Li reference ... indeed the Examiner has admitted that this is not taught but in the same Office Action, the Examiner referred to a telephone number in Li as a "unique link identifier"

The grounds of rejection stated above teach the invention. The references were combined because Li does not explicitly teach utilizing a secondary signaling method to provide the unique identifier. As stated in the Office Action Fijolek teaches the secondary signaling technology providing the unique link identifier. A unique link identifier is interpreted to be any of the following: registration identification number, as described in Li or a subscription account number, a calling party number, a MAC address as described in Fijolek.

Regarding Appellant's argument beginning on page 8, The portion of Fijolek cited by the Examiner ... as allegedly teaching ... merely discloses obtaining an identifier from a database" ... it is a clear error, and not an issue of "interpreting" a reference, to contend that a database is a signaling technology".

The grounds of rejection stated above teach the invention. The Applicant is abbreviating sections of Fijolek recited in the Office Action to form an argument. It is noted that the combination or references should be reviewed for all they contain or suggest. Fijolek col. 5, lines 1-25 teaches that data can be sent from customer premise equipment over cable networks via cable as well as secondary signaling method such as a telephony network, wireless connection, satellite, or connection via other technologies. The authentication process is the act of a 'connection request' and a response to the 'connection request' this is exchanged between the user and the Cable Modem Termination System as described in Fijolek.

Regarding Appellant's argument beginning on page 9, "A combination of Fijolek and Li also fails to provide the "establishing" and "authenticating" features recited in Claim 1. Such a combination would merely provide that once a customer communicates the registration ID, obtained through shipping, to the service provider, the service provider can look up information about the customer in a database by using the registration ID, which is not what is claimed".

The grounds of rejection stated above teach the invention. The Final Office Action Fijolek col. 32, lines 8-11 teaches that the Cable Modem Termination System (CMTS) checks one or more databases for information about the CM that made the connection request. The information may include a subscription account number, a calling party number, a MAC address, or other information. Any of this information 'subscription account number', 'calling party

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number, or 'MAC address', or 'other information' is obviously a 'unique identifier'. These unique identifier are included in the connection request, i.e. obtained using a secondary signaling technology. It is the connection request with the Cable Modem Termination System that performs the authentication. In addition the Fijolek reference teaches other methods of authenticating the connection request such as a RADIUS server see col. 32, lines 16-31.

Regarding Appellant's argument on page 10, "Claims 2-9 and 14-41 either depend from Claim 1 or recite features similar to the features of Claim 1 discussed above. Consequently, it is respectfully submitted that Claims 22-9 and 14-41 are also patentable over Li in view of Fijolek for at least the reasons set forth herein with respect to Claim 1".

The grounds of rejection stated above teach the invention. As noted above the features of Claim 1 are taught in Li in view of Fijolek, therefore claims 2-9 that depend from claim 1 and claims 14-41 also stand rejected.

Regarding Appellant's argument beginning on page 10, "Independent Claim 10 is patentable over Li and Fijolek for at least the reasons set forth herein with respect to independent Claim 1 because Li and Fijolek do not teach "obtaining, using the ISDN line, an ISDN telephone number uniquely associated with the ISDN line", recited in Claim 10 ... Although Li mentions both ADSL and ISDN signaling technologies in general (Li, col. 3, ln. 46-43, col. 7, ln. 3-11), neither Li nor Fijolek teaches the step of "obtaining, using the ISDN line, and ISDN telephone number uniquely associated with the ISDN line" in Claim 10.

The grounds of rejection stated above teach the invention. As noted above the features of Claim 1 are taught in Li in view of Fijolek. In addition, it is noted, PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN "The use of patents as references is

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not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain.” In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art including non-preferred embodiments (see MPEP 2123). Therefore it is well known that when a call is placed over a telephone line the telephone numbers of both the party placing the call and the number being called are known.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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